

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

**REGINALD CHARLES HARVEY, Grantee,
MICHEAL A. SMITH, Grantor(s), and ERIKA
L. SMITH, Grantor,**

Plaintiffs,

v.

**M&T BANK, as registered agent, BANK OF
AMERICA, MERS, LAKEVIEW LOAN
SERVICING, LLC, MERS NOMINEE, RUBIN
LUBLIN TN, PLLC, f/k/a COUNTRYWIDE
HOME LOAN SERV, LP, COUNTRYWIDE
HOME LOAN, INC, as successor in interest to
Bank of America, et al.**

Defendants.

Case No. 1:14-00181

Removed from the Hamilton County
Circuit Court; Case No. 14C615

M&T BANK AND LAKEVIEW LOAN SERVICING, LLC'S MOTION TO STRIKE

On December 2, 2014, Plaintiff Reginald L. Harvey ("Plaintiff") filed an untitled document with this Court (Doc. No. 41.) The Court accepted the document as an "affidavit" of Plaintiff. Defendants M&T Bank and Lakeview Loan Servicing, LLC file this Motion to Strike Plaintiff's filing on the grounds that it is nonsensical and seems to be nothing but an attempt by Plaintiff to have any and all security interests on his property deemed invalid. To the extent that Plaintiff seeks such relief, it needs to be pursuant to a properly filed Motion or other request. The document as filed appears to seek relief in an improper form and should therefore be stricken from the record.

Respectfully submitted,

/s/ John R. Wingo

John R. Wingo, BPR No. 16955

Lauren Paxton Roberts, BPR No. 25049

STITES & HARBISON PLLC

401 Commerce Street, Suite 800

Nashville, TN 37219-2490

Telephone: (615) 782-2263

*Counsel for Defendants, M&T Bank and Lakeview
Loan Servicing, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2014, a copy of the foregoing was filed via the Court's CM/ECF system and served electronically or via First Class U.S. Mail upon:

Reginald Charles Harvey
P.O. Box 25371
Chattanooga, TN 37422
Pro Se Plaintiff

Frankie Spero
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, TN 37203
Counsel for Bank of America and MERS

Bret Jacob Chaness
Rubin Lublin TN, PLLC
3740 Davinci Court, Suite 150
Peachtree Corners, GA 30092
Counsel for Rubin Lublin TN, PLLC

/s/ John R. Wingo

1088335:1:NASHVILLE